

of taxes on or before October 1st, yet I consented to receive payments up to the last day of the Fall Term of Wake Superior Court in order to give the amplest possible time consistent with my duty to move for judgment. Even with this indulgence only sixty three Counties settled in full. Twenty seven Counties failed and judgment was taken against the collecting officers. Some Sheriffs offered to account provided I would allow the proportion to which they alleged their Counties were entitled under act ratified 8th day of March, 1870, entitled "an act to repeal certain acts passed at the session of 1868 and 1869, making appropriations to Railroad Companies." I declined to allow such credit, being of opinion that this provision was impliedly repealed by the Revenue Act passed afterwards which levied a tax of only 20 cents on the \$100 value and expressly directed that the receipts under it should be paid into the Treasury and used to defray the expenses of the State government, &c., (sec. 3d.). The tax being so small, if such credit should be allowed there would be little if any left. Besides it seems to me that this provision is inconsistent with the acts of March 12th, 1870, and March 28th, 1870, which authorized me to borrow the special tax money and repay the same out of any dividends or taxes which should be paid. It seems unreasonable to *replace* this special tax fund, if it is to be *credited to the Counties*. The ideas are inconsistent. The object of crediting the amounts to the Counties is obviously to get rid of the fund altogether, to get it out of the State Treasury. The object of replacing it is to hold the fund in tact, ready for whatever demands may be made upon it. The first idea of the General Assembly no doubt was to use the special tax money for general purposes and not replace it at all, but as I was sued by a holder of certain coupons of special tax bonds, the case now pending in the Supreme Court of this State, this idea was, I think, abandoned, and I was authorized to borrow the fund temporarily and replace the same out of future receipts. Even if the credits had really been ordered to be made, it was the province of the Auditor